

Claimant worked for respondent as a head cashier. Her job duties included pulling grocery items across or through the scanner. She started having problems with her neck and shoulder in 1992. Dr. Timothy Bolz states that in his opinion her condition was aggravated by the work activities from 1989 through June 1995. This is the only medical opinion in evidence. On the basis of that evidence the Appeals Board agrees with and affirms the finding by the Administrative Law Judge that claimant's injuries arose out of and in the course of her employment.

(2) The Appeals Board finds claimant gave timely notice.

Claimant testified that she reported her neck and shoulder problems to Mr. O'Bryhim within a few days after June 14, 1995. She did not initially advise him that she considered it work related. She testified that she did, however, turn in a written claim form and advise Mr. O'Bryhim of her claim on June 23, 1995. Although the claim form is dated as having been received on a later date, claimant testified that there was a gap between the time that she gave it to him and the time it was signed. The Administrative Law Judge found the testimony credible. Giving weight to his determination of credibility, the Appeals Board finds that claimant did give notice within the ten days as required.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer dated April 26, 1996 should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1996.

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BOARD MEMBER

c: Seth G. Valerius, Topeka, KS  
Bret C. Owen, Topeka, KS  
Floyd V. Palmer, Administrative Law Judge  
Philip S. Harness, Director